MEMORANDUM FOR: Mr. W. E. Colby

Bill:

Attorney General Richardson may call you in connection with the question of declassification of the Truman Directive on NSA, 24 October 1952. Attached is a memorandum giving the background of this problem and its relationship to the ICRC.

Lawrence R. /Houston

8 August 1973
(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

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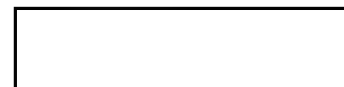
OGC 73-1483

8 August 1973

MEMORANDUM FOR: Mr. W. E. Colby

SUBJECT: ICRC

REFERENCE: 24 Oct 52 Truman Directive "Communications
Intelligence Activities"

    1. There was considerable discussion at the 8 August
1973 meeting of the ICRC on whether the attached Truman Directive
of 1952 establishing NSA should be declassified.

    2. As you know, the text itself is pretty bland. However,
I argued against declassification on several grounds. I emphasized
the importance of our liaison with foreign intelligence services and
that these services were already considerably perturbed about the
amount of exposure our intelligence system had gone through during
the last few months. They fail to understand why we cannot protect
better the intelligence system. I said the deliberate declassifica-
tion of a basic directive in one of the most sensitive fields of intel-
ligence could only increase their doubt as to whether we could
protect their confidences. Consequently, declassification would
have a distinctly adverse effect on our foreign liaison. I mentioned
specifically paragraph 2e(5) on page 6, which says that the Director
of NSA shall "Subject to the authorities granted the Director of
Central Intelligence under NSCID No. 5, conducting all liaison on
COMINT matters with foreign governmental communications intel-
ligence agencies." I said that most or all of the foreign services
we deal with will not admit they have any COMINT function, and
they would completely fail to understand how we could publicize

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that we cooperated with them in this field. I furthermore put forward the argument I have heard many times over the years that every time any publicity or emphasis is put on our COMINT effort there is a reaction in target countries to taking a look at their COMINT practices to see if they could be tightened. Therefore, the declassification of this paper would tend to impair our COMINT effort. I further said that, while this paper had been superseded by the present NSCID No. 6, the substance was almost identical and we were in effect exposing the mechanism of the COMINT effort. I suggested that this would be the "camel's nose under the side of the tent" and that we thought it wrong to begin opening up the whole intelligence structure for foreign inspection.

3. I was strongly supported in the above by the Department of Defense, the Atomic Energy Commission, and the National Security Council's representative, Mr. Osborne A. Day. However, the Department of State and Mr. Dixon for Justice kept going back to the apparent innocuousness of the language, and the Chairman, Dr. James B. Rhoads, Archivist of the United States, apparently also felt dubious as to continued classification. This left a technical vote of 4 to 3 in favor of continued classification, although action was deferred until Mr. Dixon could talk further with the Attorney General. I asked him to explain to the Attorney General that in this area of sources and methods the impact, which was not apparent to other agencies, was noticeable in the intelligence area and that it might be well for the Attorney General to talk with you before reaching any conclusion.

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4. This discussion emphasizes to me the need for an exemption of intelligence sources and methods from the jurisdiction of the ICRC, and I gave Mr. Day a copy of the material pertaining to this which I discussed with you the other day. He will talk to General Scowcroft and advise us as to what they believe would be the best way to get our exemption.

LAWRENCE R. HOUSTON
Office of General Counsel

Attachment - u/s/c
OGC:LRH:jeb
cc: ADDI
    SA/Information Control
STAT   DC/Division D
    OGC chrono
        ✓subject Security EO 11652-Classification & Declassification